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LETTER DATED 9 NOVEMBER 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

As members of the Security Council are aware, the first multi-party elections in Mozambique were conducted on 27, 28 and 29 October 1994.

In his preliminary statement of 2 November 1994 (see annex), my Special Representative, Mr. Aldo Ajello, emphasized that the polling process had been peaceful and had been conducted in a well-organized manner, with few technical problems. With the assistance of approximately 2,300 international electoral observers, the United Nations monitored the polling, during which no reports of major irregularities, incidents or breaches of the Electoral Law of Mozambique were received. It was emphasized that following the completion of the counting of votes, the Special Representative would be in a position to make an official pronouncement on behalf of the United Nations concerning the fairness of the entire electoral process. Similar statements were made by the European Union election observation mission in Mozambique and by the Special Representative of the Organization of African Unity in Mozambique. I would like to take this opportunity to pay tribute to the people of Mozambique as well as to all the staff of the United Nations Operation in Mozambique (ONUMOZ) for this remarkable achievement.

Since the polling was extended for an additional day until 29 October 1994, the deadline for the publication of the final electoral results is now set for 13 November 1994. According to article 275 of the Electoral Law, the investiture of the Assembly of the Republic is to take place within 15 days of the publication of the election results. On the assumption that it will take 15 days to complete this entire process and that a second round of presidential elections is not required, the swearing in of the President should take place by 10 December 1994. Article 274 of the Electoral Law provides that the President of the Republic should assume office within eight days of the above investiture. The swearing in of the President would also be considered as the date the new Government takes office.

It will be recalled that, by its resolution 916 (1994) of 5 May 1994, the Security Council decided to renew the mandate of ONUMOZ for a final period until 15 November 1994 at the strength described in paragraphs 22, 24 and 25 of my report to the Council of 28 April 1994 (S/1994/511), subject to the proviso that

the Council would further review the status of the mission periodically. Such reviews were conducted on several occasions, on the basis of submissions presented to the Security Council and of the report of the Security Council mission which visited Mozambique from 7 to 12 August 1994 (S/1994/1009).

In several of my reports to the Security Council, most recently in paragraph 34 of my report dated 26 August 1994 (S/1994/1002), I indicated that the withdrawal of ONUMOZ would begin after the elections and would be concluded by the end of January 1995. In that report, I also mentioned that, in accordance with the provisions of the general peace agreement, the presence of the United Nations in Mozambique would be required until such time as the new Government takes office. It was also stressed that the planned withdrawal of ONUMOZ was contingent on the holding of peaceful, free and fair elections, the timely announcement of the results of the elections and the subsequent establishment of the new Government.

Having the above considerations in mind, I recommend that the mandate of ONUMOZ be extended for technical reasons until such time as the new Government is installed. This is expected to take place by 15 December 1994. During this period, ONUMOZ would continue its present functions of good offices, as well as its verification and monitoring activities, as mandated by the Security Council in its relevant resolutions on Mozambique. This recommendation is made on the understanding that the overall framework for the drawdown of ONUMOZ, as set forth in paragraphs 34 to 38 of my report of 26 August 1994 (S/1994/1002), would remain in effect, with appropriate adjustments to be made to the withdrawal schedule of United Nations military and police personnel; in particular, there will be a need to extend the duration of the withdrawal of some United Nations military and police observers. It is expected that the above adjustments will have no significant financial implications for the Organization.

I would be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Preliminary statement by the Special Representative of the Secretary-General for Mozambique

Maputo, 2 November 1994

Elections in the Republic of Mozambique, 27-29 October 1994

1. At 1800 hours on the evening of 29 October 1994, after being extended to a third day, the polling period of the first-ever multi-party elections in Mozambique was concluded. As I speak, the counting of the ballots for both the presidential and the legislative elections is in full process.

2. The voting has taken place peacefully, in a well-organized manner marked by very few technical problems. The United Nations, through its more than 2,300 international observers, has received no information about any major irregularity, incident or breach of the Electoral Law which could have adversely affected the validity of the elections.

3. Ballots were cast in all districts and all provinces at a total of 7,244 polling stations. Throughout the country, the process was carried out in a calm and positive atmosphere. The voters, the electoral authorities and the political parties all demonstrated their commitment to the success of the elections. In particular, the three days of voting have been characterized by a remarkable absence of violence, intimidation and coercion.

4. The polling began on schedule on Thursday, 27 October. Owing to logistical problems and the delayed arrival of material, some polling stations opened late on the first day and, in a few isolated cases, polling stations did not open at all that day. These problems were resolved on the second day, and the extension of the polling by one day offered ample opportunity to all those who wished to exercise their right to vote.

5. The initial reservation by the Resistência Nacional Moçambicana (RENAMO) to participate in the elections created some confusion on the first day of voting. However, the guarantees of close monitoring by the international community, which brought RENAMO back into the process, as well as the additional voting day ensured that the situation did not unduly affect the polling process. During the entire voting period, RENAMO party monitors continued to verify the voting at most polling stations together with their counterparts from the other political parties.

6. There was a massive voter turnout nationwide. In some provinces, more than 90 per cent of the registered voters went to the polls. The overcrowding on the first day of polling created temporary disruptions at some polling stations. But there were no serious incidents and order was quickly restored everywhere. The voters showed exemplary patience, often waiting for more than half a day to contribute their part to the building of multi-party democracy in their country.

7. Because the announcement of the third day of voting was made only late into the second polling day, the news did not reach some remote voting stations. As a result, these stations began the counting of the ballots after closing the polls on the evening of 28 October. When the information was received, most polling stations returned the ballots to the boxes, which were resealed - all in the presence of the party monitors - and voting continued the next day. In a few instances, voting did not occur on the third day, but it is unlikely that voters who had wished to vote were unable to do so.

8. The United Nations observation would not support any possible claim of fraud or intimidation, or any other patterns of incidents that could have affected the credibility of the elections. Indeed, the voting can be described as having been carried out peacefully and with integrity.

9. I wish to express my warmest tribute to the people of Mozambique, who once again proved their commitment to democracy and a strong will to live in peace and harmony. Whatever the outcome of the voting, they are the main protagonists of the peace process and outright winners of these elections.

10. Let me congratulate the National Elections Commission, and in particular its President, Mr. Brazão Mazula, for the excellent job done in arranging the polling. I also wish to praise the political parties and candidates, who, through their conduct during the polling, have demonstrated their seriousness in participating in the process of democratization of their country.

11. Finally, I thank the international community, the non-governmental organizations as well as the personnel of ONUMOZ for their active participation in the observation efforts on those three memorable days in the history of Mozambique.

12. As I mentioned earlier, the electoral process will only be over when the counting process is completed. ONUMOZ will continue to be vigilant throughout this last important phase. Following the completion of the count, I shall be in a position to make an official pronouncement on behalf of the United Nations in respect of the freedom and fairness of the entire electoral process.